

## **CONSERVATORSHIP CALENDAR NOTES**

**April 3, 2012**

**2:30 p.m., Department 40**

The following are the Conservatorship Calendar Notes for the conservatorship calendar set for hearing April 3, 2012, 2:30 p.m. in Department 40, the Commissioner Michael A. Jacques, presiding. Department 40 is located at 10820 Justice Center Drive, Roseville, California, in the Santucci Justice Center.

If a verified petition on an accounting or attorney fees is recommended for approval, no appearance is required. For all other matters, appearances are required. If you have questions regarding the following calendar notes, please contact the probate research attorney at (916) 408-6119. Do not contact Department 40 directly.

IF THE CALENDAR NOTES STATE THAT A DOCUMENT IS MISSING AND YOU HAVE A FILE-ENDORSED COPY OF THAT DOCUMENT, PLEASE FAX A COURTESY COPY OF THAT DOCUMENT TO (916) 408-6275. THE COURT DOES NOT ACCEPT DIRECT FAXES FOR FILING. ANY UNFILED DOCUMENT FAXED TO THIS LINE WILL NOT BE FILED.

Updated calendar notes will ordinarily be posted on the court day prior to the hearing. Please do not call the probate research attorney regarding the status of calendar notes until after checking for any updated notes.

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**1. S-PR-0001677 Mosley, Lula T. In re the Conservatorship of**

Appearance is required.

Further information needed to explain discrepancy between property on hand at close of prior accounting period and property on hand at beginning of this accounting period.

Accounting shows multiple gifts by conservator of conservatorship property; conservator has no authority to gift conservatorship property, C.R.C. 7.1059(b)(3).

No discussion of bond was included in the accounting; I&A filed 3-7-2012 states that bond of \$17,500.00 is in place. Based on allegations of Amended Fourth Account, bond in total amount of \$158,307.00 is required (C.R.C. 7.3207).

The declaration in support of attorney and paralegal fees is insufficient; detailed information as required by C.R.C. 7.751(b) & 7.702 (attorney fees) and C.R.C. 7.754 and 7.703(e) (paralegal fees) is required.

This accounting is untimely, having been filed nearly two years after the accounting period ended; the succeeding accounting period has now also closed; it is recommended the court set an OSC for the fifth account on June 5, 2012.

**2. S-PR-0002203 Lahti, Jr., John - In Re the Conservatorship of**

Appearance required.

**3. S-PR-0006023 Moncher, Ellen - In Re the Conservatorship of**

Appearance required. Missing service of citation. Missing service on all second-degree relatives; no request to waive notice was filed (prior request was filed only as to temporary petition); court may waive notice only for good cause shown, § 1460(e). Missing investigation report. Clarification needed: bond allegations in temporary and general petitions are contradictory; requested bond is insufficient based on allegations in temporary petition (see C.R.C. 7.207), and excessive based on allegations in general petition.

Note: prior bond was never filed, and letters of temporary conservatorship have not issued. Note: there is no capacity declaration in the court's file.

**4. S-PR-0006436 Bear, Woody - In Re the Matter of**

Appearance required. Missing citation; missing service of citation. Missing appearance by / report of appointed counsel.

**5. S-PR-0006481 Yacoub, Nabil Labib - In Re the Conservatorship of**

Appearance required. Missing duties form (GC-348); at prior hearing, the court inadvertently requested the incorrect form). Petition does not request medical consent powers (see ¶ 1.g); amended petition and new service on proposed conservatee needed before such powers can be granted.

**6. S-PR-0006483 Barry, Noreen - In Re the Conservatorship of**

Appearance required. Missing proof of service of citation. Note: letters of temporary conservatorship expire April 3, 2012.

**7. S-PR-0006491 Trehan, Daniel - In Re the Conservatorship Of**

Appearance required. Service on Alta Regional is insufficient: 30 days' service is required, rather than the 20 days' service provided, Prob.C. § 1822(e). Petition does not request medical consent powers (see ¶ 1.g); amended petition and new service on proposed conservatee needed before such powers can be granted.